



ORGANIZATION FOR THE PROTECTION  
AND ADVANCEMENT OF SMALL  
TELEPHONE COMPANIES

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January 9, 1995

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JAN - 9 1995

Mr. William F. Caton  
Secretary  
Federal Communications Commission  
Room 222  
1919 M Street, NW  
Washington, DC 20554

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

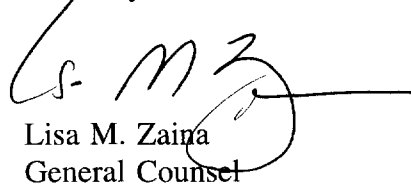
Re: Revision of the Commission's rules  
to ensure compatibility with  
enhanced 911 emergency calling systems  
CC Docket No. 94-102  
RM-8143

Dear Mr. Caton:

Please find enclosed for filing the original and eleven copies of the Organization for the Protection and Advancement of Small Telephone Companies' comments in the above-captioned proceeding.

Thank you for your assistance in this matter.

Sincerely,

  
Lisa M. Zaina  
General Counsel

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554**

In the Matter of	)	
	)	CC Docket No. 94-102
Revision of the Commission's rules	)	
to ensure compatibility with	)	RM-8143
enhanced 911 emergency calling systems	)	

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**COMMENTS OF  
THE ORGANIZATION FOR THE PROTECTION AND  
ADVANCEMENT OF SMALL TELEPHONE COMPANIES**

OPASTCO  
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COMMENTS OF  
THE ORGANIZATION FOR THE PROTECTION AND  
ADVANCEMENT OF SMALL TELEPHONE COMPANIES

**I. INTRODUCTION**

On October 19, 1994, the Federal Communications Commission (FCC or Commission) released the text of a Notice of Proposed Rule Making concerning the matter of revision of the Commission's rules to ensure compatibility with enhanced 911 emergency calling systems.<sup>1</sup> The Organization for the Protection and Advancement of Small Telephone Companies (OPASTCO) hereby submits its comments on the Commission's Notice.

OPASTCO is a national trade association of more than 440 independently owned and operated telephone companies serving rural areas of the United States and Canada. Its members, which include both commercial companies and cooperatives, are small and

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<sup>1</sup>In the Matter of Revision of the Commission's rules to ensure compatibility with enhanced 911 emergency calling systems, CC Docket No. 94-102, Notice of Proposed Rulemaking, 59 FR 54878 (November 2, 1994). (Notice and NPRM)

rural local exchange carriers serving over 2 million customers. Two thirds of OPASTCO's member companies are involved in the provision of cellular telecommunications service -- either by providing the service themselves, or by participating in partnerships. These companies have a presence in approximately 220 Rural Statistical Areas (RSAs) and 75 Metropolitan Statistical Areas (MSAs) throughout the United States. Accordingly, the outcome of this proceeding will directly affect OPASTCO's members and their customers.

The NPRM seeks comment on proposals for ensuring the compatibility of private branch exchanges (PBXs) with enhanced 911 (E911) emergency services and for requiring wireless services to include features that will make E911 services available to mobile radio callers.<sup>2</sup> OPASTCO supports the Commission's objective of ensuring broad availability of enhanced 911 services to all users of the public switched telephone network (PSTN).<sup>3</sup> However, a federal mandate on PBXs and commercial mobile radio services (CMRS) to meet E911 service performance requirements could significantly increase the cost of providing these services, could have debilitating effects on small and rural areas, and could suppress the development of new telecommunications services. To avoid these repercussions, OPASTCO recommends that the FCC focus on working with industry

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<sup>2</sup>Notice at paras. 1, 2.

<sup>3</sup>Notice at para. 1.

bodies to develop voluntary technical guidelines for the entire E911 network.

**II. THE PROVISION OF E911 SERVICE SHOULD REMAIN IN THE HANDS OF STATE AND LOCAL GOVERNMENTS**

Most emergency services, including 911, are provided and paid for by state and local governments. Most states delegate the provision of 911 services to their local governments and for good reason. Local governments best understand the unique demographics and topography of their communities, and they know the type of emergency services that are already in place and where they are located. Consequently, local governments can appropriate their budgets for such services in the most effective way they see fit.

The Commission's proposals for ensuring the availability of E911 services presupposes that a Public Safety Answering Point (PSAP) exists in every community or, at the least, in the general vicinity of every PBX and wireless service roaming area. There are many communities throughout the nation that have chosen not to earmark funds to purchase and man a PSAP. Most often, the reason for this is cost causal. That is, the community decides that the number and type of emergencies that can reasonably be expected to occur in their area do not warrant the large expenditure that purchasing and maintaining a PSAP would require. Instead, the community makes the informed decision that its tax dollars would be better utilized for another common good or service.

In localities where a PSAP does not exist, PBX and CMRS compliance with the Commission's E911 requirements would be of no use. In such cases, it is unclear if the Commission intends to require the local government to purchase and maintain a PSAP. OPASTCO would strongly oppose any attempt by the FCC to dictate the way in which state and local funds are allocated for emergency services. Doing so would encroach on local governments' ability to serve the will of its constituents, disavow the expertise that local governments have in providing emergency services for their communities, as well as lead many small and rural areas with limited coffers into financial uncertainty.

**III. THE COMMISSION'S PROPOSED RULES COULD SIGNIFICANTLY RAISE THE COSTS OF PROVIDING PBX AND WIRELESS SERVICES AND STIFLE THE DEVELOPMENT AND GROWTH OF NEW TELECOMMUNICATIONS SERVICES**

In the Commission's proposed implementation schedule for compliance with any future rules concerning PBX equipment compatibility with E911 systems, it specifically states that it does not propose to require manufacturers and suppliers to reregister grandfathered equipment or to reconfigure equipment that has been installed as of the effective date of the order.<sup>4</sup> Clearly, this is a good faith effort by the Commission "to ensure that equipment owners and manufacturers are not unduly burdened in implementing such upgrades."<sup>5</sup> If, however, after one year

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<sup>4</sup>Notice at para. 31.

<sup>5</sup>Notice at para. 21.

from the effective date of the order adopting rules in this proceeding, only equipment which complies with the Commission's requirements is manufactured and imported, this equipment may not be compatible with the "grandfathered" equipment and system configuration of older PBXs. If this occurs, when PBX owners need to replace one piece of equipment, they may be forced into replacing all of their equipment and possibly even reconfiguring their entire system. This could be particularly devastating in rural areas where small businesses with limited budgets must finance the system upgrade or replacement, possibly rendering their phone service unaffordable.

Similarly, the redesigning of CMRS systems to meet the Commission's E911 compatibility requirements, particularly Automatic Location Identification (ALI), could substantially raise the cost of providing wireless services and hence, increase the rates charged to subscribers. Consumers have budget constraints for their purchases of telecommunications products and services. A noticeable increase in the price of wireless services and end-user equipment might prevent consumers from purchasing fledgling telecommunications products and services, thereby retarding the growth of these new areas.

Another likely scenario is that wireless service providers and manufacturers observe that demand for CMRS is highly elastic, forcing them to absorb a larger portion of the cost of redesigning their systems and equipment for E911 compatibility. In a technology-driven industry such as telecommunications,

research and development capital is vital to the deployment of new and improved services and equipment. If U.S. firms are unable to earn a normal rate of return from established systems such as cellular, they may lack the necessary capital to develop the telecommunications products and services of the 21st century, crippling their ability to compete in the global telecommunications market.

**IV. THE FCC SHOULD WORK TO PROMOTE THE ESTABLISHMENT OF VOLUNTARY TECHNICAL GUIDELINES FOR THE ENTIRE E911 NETWORK**

The first step in achieving E911 compatibility for PBXs and wireless systems requires consolidating what is at present three separate areas: the networking component (a central office switch), the ALI database component, and the customer premises equipment (CPE) which resides at the PSAP. Today, connectivity among these three elements is based on a set of ad hoc specifications and vendor-specific interfaces.<sup>6</sup> Therefore, to achieve broad availability of E911 services to PBX and CMRS users, instead of proposing performance requirements, the Commission should work with industry representatives to develop voluntary technical guidelines for all components of the E911 network. Without guidelines, the E911 capabilities of PBX and cellular equipment may be rendered ineffectual, regardless of any performance requirements that may be imposed. Furthermore, guidelines for electronic equipment are quite often

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<sup>6</sup> Bob Hight, "Evolving E911," 9-1-1 Magazine, May/June 1994, 21.



international. So, while adherence should be voluntary, U.S. manufacturers will have an economic incentive to build to these guidelines in order to remain competitive in the world market.

Once guidelines are developed, PBX and cellular equipment manufacturers should be permitted to develop CPE with a range of 911 service capabilities -- from basic 911 to fully enhanced 911. This would be a flexible system based on consumer demand but which still allows for the interface of different components of the E911 network regardless of the manufacturer or the degree of E911 capability of the CPE. In such an environment, CMRS subscribers could choose among mobile radio handsets with a range of E911 features and PBX operators could continue to purchase the type of equipment appropriate for their system and community.

**V. PBX OWNERS SHOULD BEAR FULL RESPONSIBILITY FOR COMPLIANCE WITH ANY E911 COMPATIBILITY REQUIREMENTS THE FCC MAY IMPOSE**

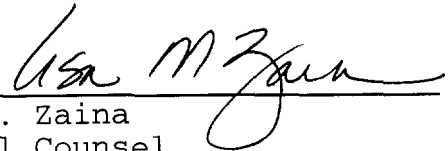
PBXs are usually owned and operated exclusively by their customers or vendors. LECs rarely have any control over PBX systems or even a financial stake in them. Thus, the Commission should clearly state in its future Report and Order on this matter that the owners of PBXs bear full responsibility and all liability for meeting any E911 compatibility requirements that the Commission may impose on them. This should include, but in no way be limited to, the cost of and responsibility for providing updates to the ALI database.

**VI. CONCLUSION**

The FCC's desire to ensure broad availability of E911 services to all users of the PSTN is irrefutably sound public policy and OPASTCO supports the FCC in this pursuit. Ostensibly, the Commission's proposal to create performance requirements for the compatibility of PBX equipment and wireless services with E911 emergency services is a reasonable approach to achieving this objective. However, the NPRM overlooks the local nature of providing 911 service and the detrimental effects a federal order could have on the financial health of local governments, the affordability of PBX and cellular services, and the development of new telecommunications services. To achieve its objective, OPASTCO believes the FCC should work together with the telecommunications industry to develop voluntary technical guidelines for the entire E911 network.

Respectfully Submitted,

**THE ORGANIZATION FOR THE  
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OF SMALL TELEPHONE COMPANIES**

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